

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, SEPTEMBER 21, 2021, AT 5:00 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL WORK ROOM LOCATED AT 2277 EAST BENGAL
BOULEVARD**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, HR Manager/Deputy City Recorder Heather Sundquist, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jurges, Records Culture and Human Resources Director Paula Melgar

1. Welcome – Mayor Peterson.

Mayor Mike Peterson called the meeting to order at 5:00 p.m. and welcomed those present.

2. Debt Review Discussion with Zions Bank – Zions Public Finance Senior Vice President, Jonathan Ward and Administrative and Fiscal Services Director, Scott Jurges.

Zions Public Finance Senior Vice President, Jonathan Ward, identified alternatives and ways for the City to save money. The recommended solution was a convertible structure that begins as taxable and converts to tax-exempt later on in the life of the bonds. It was estimated that this change will save the City about \$1.2 million over the life of the debt or approximately \$80,000 per year between now and the final payoff of the bonds. This option was chosen because it involves a direct purchaser who allows them to prepay bonds when they choose.

Mayor Peterson stated that the service area has had several debt obligation bonds over the years and whenever they had an opportunity to refinance and get a lower rate, they did so to save money. It was a practice they are familiar with and that has proven successful. He was pleased to be able to save over \$80,000 per year. Mr. Ward stated that the cost of the issuance is \$70,000, which includes advisor fees, trustee fees, escrow agent verification, and bond attorney fees. It was noted that the bond purchasers do not charge much to purchase the bonds. The fees come out before the savings analysis. The savings of \$1.2 million is after those costs are paid.

Administrative and Fiscal Services Director, Scott Jurges, considered this to be a great opportunity and offered to look into locking in interest rates and bringing the matter back to the Council for a final decision. Staff was looking for direction before moving forward. It was noted that interest rates are at a historic low. The bond can be prepaid at any time and if interest rates drop, they can take advantage of that. However, the sooner they can lock in a rate, the better. If the Council is amenable, Mr. Ward stated that they can give direction to publish a Notice of Bonds to be Issued. A bond resolution would come back to the Council for a final decision and ratify the publication

of the newspaper notification. It would also help expedite the process. Timing issues were discussed.

3. Review of Business Meeting Agenda – Mayor Peterson.

The agenda items were reviewed and discussed.

Community and Economic Development Director, Michael Johnson, discussed the Open Space Master Plan and addressed general updates from the last time the matter was in front of the Council. Several comments referred to the area as the Little Cottonwood Creek Trail Plan although it has a much broader scope. It is intended to provide a long-range, broad vision and provide recommendations for future budget policy and land use decisions related to parks, trails, and open space throughout the City. The plan does not approve specific projects for new parks, trails, or open space preservation, which would require additional discussion, design, and public input. Since the last meeting with the Council, additional items have been added including the acknowledgment of private property rights. The City would need to engage with property owners through a typical real estate transaction process or, as areas redevelop in the near future, they would require various easements or rights-of-way that are identified on master plans as a requirement of new development.

Mr. Johnson stated that all of the comments were specific to a particular portion of the trail element of the plan. He explained that the purpose of the Trails Chapter is to provide an interconnected trail network for both recreational trails and active transportation. It is also intended to provide access to public lands for City residents without interfering with the quality of life of nearby residents. The exclusive focus of most of the comments received pertained to the Little Cottonwood Canyon Trail. There are two shown on the plan. Feedback was requested from the Council. Mr. Johnson explained that the intent was for it to serve as a Creekside trail that will run through the City into neighboring communities. The intent was never to build both in the future and were two possible alternatives. One would follow the creek directly and the other on the hillside to provide separation from private properties. There were major concerns about that. Staff proposed a modification to the plan that they feel addresses the majority of public comments received and the concerns regarding property rights and privacy. It does, however, still help the City achieve its goal of an interconnected trail network. Trails were intended to follow existing rights-of-way.

Mr. Johnson reported that another addition was to recommend a trail along Siesta Drive. The importance of that alignment was to provide a connection to Crestwood Park. The recommendation was to approve the same mechanism and potentially convert the existing sidewalks into urban trails in the future. Danish Road, Creek Road, and Siesta Drive would connect up through Crestwood Park into the Park Ridge area up above on public streets. The end result would be an urban trail system that interconnects the City but follows many of the major north-south and east-west road corridors. If there is a consensus among the Council to move forward, staff would redraft that element of the plan and post it on the City's website. The staff proposal was to amend the plan if approved by the Council. Thanks was expressed to Mr. Johnson for his efforts and considered to be a great alternative.

Mayor Peterson stated that this is a guide to move forward. He appreciated the reference to the other plans in the document as well.

In response to a question raised, Mr. Johnson stated that urban trails are typically wider than a standard sidewalk and are sometimes an asphalt multi-use pathway. Procedural and timing issues were discussed.

The action items on the agenda were next addressed. Ordinance 368 pertained to the Code Chapter regarding Accessory Dwelling Units (“ADU”). Mr. Johnson reported that no changes had been proposed recently. The intent was to have a webpage up with all of the resources necessary to apply.

Resolution 2021-46 was next addressed and involved the appointment of Penny Broussard to the Arts Council. Mr. Johnson stated that she has an extensive background in the arts and is willing to serve. She is very qualified and has a wealth of experience.

Resolution 2021-47 pertains to entry into a Funding Agreement with Central Utah Water Conservancy District (“CUWCD”). Mr. Johnson reported that the City applied for a grant through CUWCD for using water-wise landscaping at Ferguson Park and awarded up to \$45,000 based on the square footage of the landscaping needed.

4. Staff Reports.

Mayor Peterson commented that because the topics are sensitive to many people, he asked that they stay on topic with what is on the agenda. If there is a deviation from what is on the agenda, he will try to redirect the discussion. He also encouraged those making public comment to not make personal attacks on individuals on the Council or staff.

a. Public Works Building Discussion – Public Works Director Matt Shipp and Mr. Jim Child from JRCA Architects.

Public Works Director, Matt Shipp reported that Jim Child from JRCA Architects was asked to evaluate various options based on current pricing. Previously, the Council discussed reasons for the facility. He noted that costs have increased since last time and interest rates have gone down. What needs to be considered is what will be a future cost. The rationale for the facility was discussed. The first relates to maintenance of City vehicles in a controlled environment and having a facility for staff that is more conducive to resting in between snow events. One of the main issues is dispatching more quickly. He noted that currently, it takes one hour or more to get the trucks loaded with salt because they are not stored in a sheltered area. Wear and tear on equipment was another factor. Mr. Shipp had received phone calls raising questions with equipment being stored out in the elements.

An artistic rendering of what the front of the building might look like was displayed as well as a photo of the yard that they currently work out of. Mr. Shipp stated that there have been some misconceptions that they already have a building where they are housing some City vehicles. He clarified that that is not the case. The building shown is Utah Department of Transportation

("UDOT") property and is where they house their snow and maintenance equipment. UDOT also owns the access road that they share. The trailer they use as an office and the wash bay for the trucks was shown. The UDOT facility is large and houses their trucks and maintenance equipment. A portion also serves as an office. What the City is proposing is similar to the UDOT facility but on a smaller scale. The yard was purchased from UDOT and estimated at 2.3 acres in size. Mr. Shipp noted that finding a large piece of property in the City is very difficult.

A photo of the portion that has been built was displayed. The area that was built for secondary salt storage was being used to house equipment and protect it from the elements and where they work on vehicles. The new truck bays were shown as well as areas to work on them. There will also be an office area and storage proposed. Mr. Shipp stated that the matter was heard by the Council previously and staff was asked to update the pricing based on the current environment.

Mayor Peterson asked if there is value in phasing the project. Mr. Child stated that the top priority is getting the vehicles covered. He noted that the building could be constructed separately from the rest of the project. The estimated construction costs associated with the storage area was \$2 million. The total project cost was \$5 million. The expectation was that in the end of the \$2 million the City will save \$1.8 million by having the storage structure. He noted that there could also be additional costs during buildout. It was noted that the City has 13 vehicles, but the storage facility will accommodate 10. The intent was to perform maintenance operations inside the building and enclose and heat the center bay. The salt storage situation was to remain as-is. Canopy storage was identified as an alternative to storing equipment in trailers. Mr. Shipp stated that they will maximize the space and there are constraints they will have to work around. It was noted that the property is paid for.

The potential of adding a second story was discussed. It was acknowledged that the cost of a second story would be less costly than extending the first floor. Potential funding options were discussed. The City currently utilizes several storage units at an estimated cost of \$75,000 to \$100,000 per year. The bond payment was expected to be \$300,000 per year. Features of the building and various functions were described.

The longevity of City vehicles with respect to being stored inside versus outside was discussed. Mr. Shipp had tried to quantify that and found nothing relative to depreciation with respect to vehicles being stored outside compared to inside. The issue was the weather impact on the trucks, which have hoses and wiring that are damaged by freezing and thawing repeatedly. Storing vehicles inside will extend the life. The City increases its maintenance budget each year to address these types of costs. The comment was made that storing vehicles outside decreases the life of vehicles by about one-third.

The Council convened in the Business Meeting from 7:00 p.m. until approximately 8:40 p.m. after which they continued with the Work Session items.

- b. **Budget Amendment and Police Compensation Discussion – City Manager, Tim Tingey, and Administrative and Fiscal Service Director, Scott Jorges.**
- c. **Police Citizen Advisory Committee Discussion – City Manager, Tim Tingey, and Chief Robby Russo.**

City Manager, Tim Tingey reported that since the Council last met, the Utah League of Cities and Towns (“ULCT”) conducted research and made a presentation on the issue of forming a Police Citizen Advisory Committee. Their presentation showed that this past year the Legislature was considering SB-157, which would have required the Department of Public Safety to develop and administer a support program to assist cities and counties in establishing Citizen Advisory Committees. It would also have required them to provide consultation. It failed and currently the department is not offering any guidance; however, local communities have incorporated Citizen Advisory Groups.

Mr. Tingey displayed the requirements of HB-415 and explained that municipalities may establish a committee that relates to the provision of law enforcement services if they:

- Directly appoint the Board or Committee Members and provide direct oversight.

Prohibitions include:

- A municipality MAY NOT establish a board or committee that has authority in it.
- The Chief of Police has the authority to overrule hiring or an appointment proposal.
- A Citizens Advisory Committee may not strike down existing policy or review or approve Police Department budgets.
- Cannot review or approve contract police departments, police unions, or other organizations.

Mr. Tingey reported that currently the Unified Police Department (“UPD”), Salt Lake City, West Valley City, Murray, South Salt Lake, and Provo have enacted various committees that operate as a check on police. These cities have seen an increase in trust in police officers in the community. The role of the board is to make recommendations to the Chair, serve as a communication bridge between the Sheriff and communities, and is an advisory board and not a review board. In Salt Lake City, the board serves in a strictly advisory role. It serves as a citizen oversight board regarding the use of excessive force and in police investigations. The board meets quarterly, and each member is appointed by the Mayor with the advice and consent of the City Council.

West Valley City has formed a review board consisting of seven volunteers with each serving a two-year term. South Jordan’s board serves as a liaison between the city and the police department. They meet with the police chief quarterly to express concerns, share ideas, and review surveys.

Provo City's group began informally and was created by the police chief. It is designed to be the "eyes and ears" of the community. The group meets every other month to discuss various local and national events, policing policies and procedures, hiring practices, and community concerns and problems. Members are also trained to serve on special projects and boards. They serve at the invitation of the police chief.

Mr. Tingey reported that South Salt Lake City recently established a board, which provides a review of complaints resulting from specific police department activities and goals for greater communication and accountability. Members serve two-year terms in a strictly advisory role. Members are compensated and individuals are sought with experience in law enforcement.

The ULCT continues to meet and was expected to present additional information at the upcoming convention on best practices. Mr. Tingey also planned to speak with other city managers to get an idea of how effective the boards have been.

Mayor Peterson was conceptually supportive of having the community be formally engaged with staff. He envisioned a group that will advocate for community safety. Members will be appointed by the City Manager. Their goal will not be to direct the Police Chief but to serve in an advisory capacity and diffuse problems before they happen. The Mayor was interested in obtaining more information from ULCT and getting feedback from other city managers. He would want any board that is formed to be successful.

Police Chief, Robby Russo expressed support for the concept being presented. He would, however, not be supportive of entities that review cases or use of force. He felt there were other mechanisms in place to handle those types of issues. The Mayor suggested that bylaws be written that will protect the City.

Council Member Bracken commented that feedback is received from other committees in the City. One of the key reasons they work is that they have had the support of the Council. He considered that to be critical. He pointed out that there is an argument to postponing the creation of a new board when there would be a new administration in a couple of months. Council Member Mikell did not want to give the impression that the job of the City Council is done.

Council Member Petersen stated that the focus of the Citizen Advisory Board is to make the Police Department better. Based on what occurred last year, it became punitive in nature, which he did not want to see going forward. He would want the Board to be a support and help improve the City. He would also want to understand the focus of those serving on the Board. The goal should be to improve the situation and care should be taken in terms of who is chosen to serve on the Board. He also recommended that various areas of the City be represented.

Council Member Petersen suggested that there be a positive atmosphere on the board. He would want it to compliment the City. He explained that members of the various committees in the City have different backgrounds but have a common purpose. Members do not always agree and sometimes challenge the City on occasion. In the end, they make the City better in a supportive manner.

Council Member Petersen liked how officers in the community know that they are being listened to. He had seen some very positive interactions but also follows up on situations that are not positive. He appreciated having open communication with Chief Russo. Mayor Peterson stated that the concept should be advisory advocacy and support.

d. General Plan Introduction – Community and Economic Development Director, Michael Johnson.

Mr. Johnson reminded the Council that the General Plan process is underway. Staff has completed the background work and analysis. He met with a stakeholder group that includes members of the Open Space Committee, business owners, Planning Commission Members, and staff to develop project goals. The goals were to be shared to start discussions and formulate the actual proposals in the plan, which will come later. As the Council Members talk to constituents and neighbors, he asked that they direct them to the website. The lead article in the October newsletter pertains to the General Plan. Staff will set time aside each week where individuals can schedule appointments to meet with staff.

The possibility of sending out a separate letter was discussed but the cost was determined to be prohibitive. Mr. Tingey stated that it is expected to be a two-year process with multiple opportunities to notify the public. Noticing issues were discussed. Mr. Tingey stated that for City-wide plans, notice is typically not provided to every citizen. With the General Plan, they will be working on future land uses on every property through the City. It will be necessary to be strategic when reaching out to residents. It is not always feasible with every plan to provide notice to every residence.

e. Insurance Requirements for Consulting Contracts – City Attorney, Shane Topham, and Public Works Director, Matt Shipp.

City Attorney, Shane Topham, reported that the City has contracts with various people and entities and when they contract with service providers an exhibit is attached to the agreement that lays out the City's standard insurance requirements. The Governmental Immunity Act is \$2.6 to \$2.7 million; however, they have found that insurance policies are easily available that provide \$1 or \$2 million in coverage. Amounts above that are more difficult to obtain. As a result, there was a requirement for excess liability or umbrella coverage in the amount of \$10 million. The larger entities the City contracts with have not had an issue obtaining the coverage but smaller providers occasionally have issues with it. As a result, Mr. Shipp asked that the Council decrease the required amount to \$5 million.

5. Review of Calendars and Upcoming Events.

- a. Cottonwood Heights Arts Council Art Show Contest – Applications Due September 27.**
- b. The League of Women Voters Invites you to Attend the Cottonwood Heights 2021 Candidate Forum – September 28 – 5:30 p.m. to 8:45 p.m. at City Hall.**

- c. Utah League of Cities and Towns (“ULCT”) 2021 Annual Convention – September 29 thru October 1 – Salt Palace Convention Center.
 - d. Cottonwood Heights Arts Council Art Show – October 4 thru 26 – City Hall.
 - e. Cottonwood Heights Film Festival – October 9 – 4:30 p.m. to 9:00 p.m. – at the Butler Middle School Auditorium – (7530 South 2700 East Southeast Entrance).
 - f. Monster Mash/Skate Night – October 29 – 5:00 p.m. to 7:00 pm. at the Cottonwood Heights Recreation Center.
6. Possible Closed Meeting to Discuss Litigation, Property Acquisition and/or the Character and Professional Competence or Physical or Mental Health of an Individual.
7. Adjourn City Council Work Session.

MOTION: Council Member Bracken moved to adjourn. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 9:17 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, SEPTEMBER 21, 2021, AT 7:00 P.M. IN THE COTTONWOOD
HEIGHTS CITY COUNCIL CHAMBERS LOCATED AT 2277 EAST BENGAL
BOULEVARD**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, HR Manager/Deputy City Recorder Heather Sundquist, Assistant Fire Chief Riley Pilgrim, Community and Economic Development Director Michael Johnson, Finance and Administrative Services Director Scott Jorges, Records Culture and Human Resources Director Paula Melgar

EXCUSED: Council Member Tali Bruce

1.0 WELCOME

Mayor Peterson called the meeting to order at 7:00 p.m. and welcomed those present.

2.0 PLEDGE AND ACKNOWLEDGEMENTS

The Pledge was led by Council Member Petersen.

3.0 CITIZEN COMMENTS

Tim Hallbeck shared comments related to the refinancing discussed during the Work Session. He commented that if there is \$70,000 to \$80,000 saved per year, it is a good idea to pay down the bond instead of refinancing, especially for the 2016 bond as it is close to being paid off. Mr. Hallbeck was supportive of the increase in Police Department compensation and pointed out that many other cities are doing the same thing. Once that is done, Cottonwood Heights will likely not be at the top of the scale but will be within a good range. He also suggested that UVC lightbulbs be placed in schools as they are affordable and can act as an effective disinfectant during the COVID-19 pandemic.

There were no further citizen comments.

4.0 PUBLIC COMMENT

4.1 Open Space Master Plan – Introduction by Community and Economic Development Director, Michael Johnson.

Community and Economic Development Director, Michael Johnson shared an overview of the purpose and intention of the Open Space Master Plan. He reported that many of the comments received by residents were labeled as Trail Master Plan comments, but the Open Space Master

Plan has a slightly broader scope. The City has been working for several years on a Parks, Trails, and Open Space Master Plan, which is a long-range document that guides future policy and decision-making in the City. It is intended to provide a broad vision with recommendations for future budget, policy, and land use decisions that relate to parks, trails, and open space throughout Cottonwood Heights. Mr. Johnson noted that the Parks, Trails, and Open Space Master Plan will not approve any specific projects, construction, or development. That will come after the plan is in place, subject to budget allocation, discussion, design, and public input.

Since the last time the Open Space Master Plan was discussed with City Council, an addition was made to acknowledge private property rights. In Utah, a city cannot use eminent domain for parks, trails, and open space. Cottonwood Heights respects private property rights and as such, eminent domain has never been an applicable or intended tool identified in the plan. Any plan element that impacts private property will only be realized through a typical real estate transaction with a willing buyer and willing seller. Alternatively, this could take place when substantial redevelopment of property is underway. In that case, the City could require some of the land to be set aside by a developer. Mr. Johnson clarified that substantial development is not a home addition or remodel but is far more significant in scope.

The plan envisions parks, trails, and open space development that is of mutual benefit to trail users, adjacent landowners, easement holders, and residents. Trail access will only ever be done in a manner that respects the rights of private property owners. Mr. Johnson explained that the plan is not an acquisition or construction plan. There will be more site-specific planning, analysis, design, public input, and budget discussions after a Master Plan is in place and before any work proceeds on any of the recommendations included in the plan.

Mr. Johnson reported that a reference to the National Parks Standards will be added to validate some of the recommendations made elsewhere in the plan. That was less related to the trails section and more related to the park recommendations section. Mr. Johnson reiterated the fact that eminent domain is not an option, and it is not a tool recommended by the City. This is a long-range plan that envisions potential improvements many years and generations down the line. When areas age and start to redevelop, some of the recommendations in the plan can be accomplished.

Most of the public comments received related to the trails chapter of the plan. Mr. Johnson explained that the purpose of the trails chapter is to establish an interconnected recreational trail network but also an active transportation network of trails that connects sidewalks and neighborhoods together. The goal is to achieve trail connectivity throughout the City, whether those trails are used for recreation purposes or to move around the City. It was also important to establish potential interconnectivity between cities. Mr. Johnson pointed out that Cottonwood Heights cannot identify a trail in another city within the plan and have authority over that. However, it could include potential trail alignments that could run through other cities.

The originally proposed trails were the Little Cottonwood Canyon Trail and the Little Cottonwood Canyon Hillside Trail, as labeled in the plan. Mr. Johnson reported that both of the options were presented, but it was not the intention to pursue both. The Little Cottonwood Canyon Trail more directly follows the creek, and the Little Cottonwood Canyon Hillside Trail follows the hillside

above the creek instead. During the recent round of public comments, major concerns were expressed. Staff is aware that the creek itself is on many private properties and in many backyards. Mr. Johnson stated that the plan was envisioned as a 100-year plan and something to work toward over time as areas redevelop. That being said, the public comment was such that staff worked to propose an alternative that resolves many of the issues. This was presented to the City Council during the Work Session.

Mr. Johnson shared a map to illustrate the two originally proposed trails as well as the newly proposed trail alignment. Staff proposed an urban trail along existing City roads and public rights-of-way. It would be on Danish Road and go up to Creek Road. From Creek Road, it would go to the west boundary of the City. There would also be an urban trail along Siesta Drive that would connect to Crestwood Park and Parkridge Drive. This newly proposed trail will allow the City to accomplish the desired circulation and trail connectivity but will not affect private properties. This work will be done over time as the areas redevelop and as the City receives funds to improve existing sidewalks and enhance them into trails.

The purpose of the Open Space Master Plan amendment is to remove the Little Cottonwood Canyon Trail and the Little Cottonwood Canyon Hillside Trail and replace it with an urban trail. Mr. Johnson noted that the beginning of the urban trail will run through the new development on the south end of the City but there is a trail easement on that hillside already. That was required when the development was entitled. Staff felt that the newly proposed trail would create additional connectivity throughout the City and provide recreational opportunities. Staff recommended moving forward with the proposed change. If Council Members agree to the proposed change, the draft plan will be amended to remove any references to the Little Cottonwood Canyon Trail or the Cottonwood Canyon Hillside Trail.

Mayor Peterson added that the changes will also go back to the Parks, Trails and Open Space Committee, and Planning Commission for review. Mr. Johnson noted that because both of those bodies recommended approval of the plan, it would be taken back to those bodies and the update would be shared. If there were any major concerns, the Parks, Trails, and Open Space Committee or the Planning Commission could potentially take new public comment and vote on the Open Space Master Plan again. Otherwise, it would proceed as directed.

Mayor Peterson reported that nothing will be voted on during the current City Council Meeting. The vote would not take place until after the Parks, Trails, and Open Space Committee and Planning Commission have reviewed the proposed amendments. Council Member Bracken asked about the first batch of public comments related to the plan at the Planning Commission level. Mr. Johnson stated that from February 2021 to April 2021 the item was open for public comment with the Planning Commission. It did not receive the same level of feedback that the City Council recently received. Council Member Petersen believed the proposed amendment was a good one.

Mr. Johnson reported that the trail itself would be designed at a later phase to fit the context of where it is. However, the idea was that it will be more than just a sidewalk. The exact dimensions, materials, and finishes will be vetted and worked out before anything was implemented in the City. The main goal is to move the trail off of the private properties and onto the public rights-of-way.

Mayor Peterson opened the public comment session.

City Manager, Tim Tingey acknowledged all of the emails that were sent in by residents. Those emails were compiled and forwarded to the City Council. Both Staff and City Council have seen all of the submitted emails. In addition, a petition was received, which the Council will receive copies of with all of the signatures.

Kurt Hawes expressed appreciation for Mr. Johnson. He sent him an email earlier in the day and received a response in less than 10 minutes. Mr. Hawes commended him for the responsiveness to the email as well as the responsiveness to the community by taking the emails and public comments into account. He was grateful that Cottonwood Heights was reacting to the feedback.

Marc McDonald was glad to see that the Council was considering changes to the trail initiative. However, if this was a 100 or 150-year plan, he wondered when that plan would actually start to take shape. He expressed concerns that a lot of money was being spent on these types of projects, but there were other concerns to focus on within the community.

Mark Lundquist was grateful that the City had looked into the trail proposal with the understanding that private property is important to residents. He bought his property because there is a beautiful creek running through the backyard, which could have been impacted by the original proposal. He thanked Staff and the Council Members for being willing to make adjustments to the plan.

Scott Clark noted that if there is an urban trail, there will need to be a sidewalk on Creek Road because Creek Road is very dangerous and there is nowhere to walk. Additionally, the streetlights go out intermittently on that road. Mr. Clark also pointed out that several years ago, Salt Lake County did a study on the creek and stated that the portion from Danish Road down to Fort Union went from poor to fair in terms of stability. One of the reasons for this is because the City permitted people to cut down the natural vegetation that holds it all together. Salt Lake City recently enacted a non-disturbance ordinance that said: "...you shall not build or disturb the banks of the creeks within 25-feet of the high-water mark." Mr. Clark believed something similar should be done in Cottonwood Heights. He expressed further concerns about the creek.

Julie Clawson was appreciative that the trail proposals were revisited based on resident feedback. She agreed with the concerns shared by Mr. Clark about Creek Road. Ms. Clawson posed several questions to the City Council. For instance, she wanted to know what impact an urban trail would have on property owners that front Creek Road and Siesta Drive. Ms. Clawson also stated that she supports an increase in pay for the Police Department.

Richard Ketchum reported that his property consists of two lots. Lot 1 is unusually shaped and has a garage on it. The property line goes up the middle of Little Cottonwood Creek for approximately 40 feet and then diverts across the creek for 130 feet. His home sits on Lot 2 and the front yard property line is in the middle of the road in front of the house and the backyard property line is down the middle of Little Cottonwood Creek. He was grateful to hear that the City Council was not going to move forward with the proposed trail as that would put a walkway in his backyard. He fully agreed that eminent domain does not apply here.

Margo Richards was grateful to hear about the alternative plan and thanked staff and the City Council for thinking about the residents. She lives at the bottom of the hill that comes down from Danish Road on Creek Road and noted that it is a dangerous hill. There are two streets that enter intermittently. It is a traffic hazard and anyone running, walking, or bicycling down it is in danger. She encouraged the City Council to consider that traffic issue.

Tom Bowen reported that he lived in the area before Cottonwood Heights came into existence. His family has enjoyed it and appreciated the area. However, he felt the initial trail proposals did not focus on what the citizens want but what trail planners are pushing. He appreciated the new trail proposal and felt it made more sense. Most of the citizens at the meeting believed the previously proposed trails would negatively impact their privacy. He felt that staff had come up with a solution to the issue but noted that he did not believe Cottonwood Heights needs a lot of trails. There are certain areas that are secluded, and many people want them to remain that way. Mr. Bowen urged the City Council to keep that in mind as plans moved forward. He thanked them for making a change to the proposed trails.

John Clawson had concerns about the Open Space Master Plan and the parks and trails in the addendum. He thanked staff and the City Council for being responsive to citizen feedback. The Cottonwood Heights website states that the public, outdoor enthusiasts, and bicyclist groups were universally enthusiastic when the plan was released but many residents who live in the adjacent areas only learned about the plan in the last week or so. While he supported the City's goal to create connectivity and bicycle-friendly paths, he expressed concerns about crime. Forest Bend Drive and Forest Creek Lane had the police in the neighborhood twice in the last two weeks to investigate burglars entering occupied homes in the middle of the night. It is a concern to potentially bring more access to quiet and secluded areas. Mr. Clawson expressed his support for a Police Department pay increase. He also referenced earlier comments by Mr. Johnson about a willing buyer and seller being able to make a transaction. In those instances, a developer can refer to past or existing plans. As a result, he felt it was important for citizens to be vigilant about all of the plans and guiding principles that are on the books. Any transactions that took place in the neighborhoods could fundamentally change the character of where they live.

Stephen Olson supported the proposed changes. He also noted that earlier in the meeting, it was stated that there was previously an opportunity for public comment at the Planning Commission level. Most of the citizens present at the current City Council Meeting only found out about the plan a week or so ago. Mr. Olson expressed concerns that property owners are not being informed about significant decisions that may impact their properties. Posting notices in the newspaper was not an effective way to communicate with constituents. Mr. Olson wondered why Cottonwood Heights did not send out notices to impacted property owners via mail or flyers. He felt there should be a better system of communication between the City and the constituents.

Dave Berry thanked the City for the change of opinion of the citizens who showed up to express their displeasure about the originally proposed trails. He explained that when he notified residents about the proposed trails, most did not want the trails across their private property and many also had concerns related to the notification process. Mr. Berry felt that the procedure to notify directly affected residents has been deficient. It is one thing to propose something that affects the whole community, but it is another thing to propose something that directly affects private property and

not directly notify the property owners. He also believed that local neighborhood meetings should have been organized. This issue could have been resolved a long time ago if there was better communication with the affected property owners. In the future, he wanted to know about all of the proposals that impact his property.

Dale Harris (via Zoom) seconded the comments made by Mr. Barry. He stated that he generally likes what is being done in Cottonwood Heights but felt that the noticing in this instance was inadequate. The previously proposed trail would have impacted him due to the creek and the newly proposed trail would impact him on Siesta Drive. As a result, he felt that noticing should be done for all affected property owners. That noticing will need to be done for the affected property owners in Cottonwood Heights as well as Sandy City because what is being contemplated will affect two municipalities going down Creek Road. The obvious solution is to move traffic down to Siesta Drive because it is not as busy, but he did not feel that was the appropriate solution. He suggested that the Council decide why they are spending time on this.

Jeremy Roberts (via Zoom) asked if Cottonwood Heights has jurisdiction over Sandy City. Mayor Peterson confirmed that they do not. Mr. Roberts asked why Cottonwood Heights is proposing a trail when the property is in Sandy City. He spoke to representatives from Sandy City earlier in the day who informed him that it is not happening. Mayor Peterson indicated that it is something the Council will address further.

Allison Raddon (via Zoom) had a concern about placing a thoroughfare down Siesta Drive since it is a major route for school children. She stated that the situation is already dangerous as children cross Creek Road with a crossing guard and the lights that were installed. Ms. Raddon stated that the residents purchased their homes where they did because they like the seclusion and living in a closed community. She thought it would be far better to spend some of the funds refurbishing the Crestwood Pool. It is an opportunity for children to get out and involved.

Mayor Peterson stated that as a City Council they survey citizens a few times each year. The highest recommended desires are always an increase in the amount of open space, which is fundamental to the quality of life in any community. For that reason, Crestwood Park is unique since it includes 50 acres of open space. The job of the Council is to balance the desires of the citizens. He apologized if they have not effectively communicated to citizens about a General Plan that provides connectivity between various amenities. The intent was not to invade backyards. He pointed out that the City has no right to eminent domain on private property. The General Plan is a living document, which is a concept of connectivity. Under certain circumstances, notice is sent to residents. In this case, it is a City-wide plan and they need to find the best way to disseminate the information. It has been in the City newsletter multiple times and they will continue to find better ways to inform the public.

Council Member Peterson commented that when he first heard about the plan, it did not make sense to him. He thought that someone initially saw a creek and thought it would be nice to have a meandering trail along it not recognizing the reality of the situation. He contacted as many of his constituents as possible and assured them that it would not be rushed through. Many are feeling a lot of anxiety about what is proposed and there are numerous issues that need to be addressed.

Council Member Petersen acknowledged concerns about increased foot traffic and stated that the voices of the citizens were heard.

Doug Richards addressed concern about notification and stated that when he purchased his home it was not in Cottonwood Heights and was in an A-1 zone. The City changed its zoning and when they met with Mr. Topham the response was that the City had complied with the law. One of the neighbors, who is also an attorney, indicated that even though it may comply with the law, it is not ethical. None of the neighbors realized that their zoning had been changed. While the law may allow the City to provide notification in the newspaper, many no longer receive newspapers. He suggested that that law be addressed so that those who are directly impacted are informed.

Troy _____ commented on the police budget and related it to an experience he had a few weeks earlier when visiting Astoria, Oregon to do some deep-sea fishing. The local fishermen discussed the rioting that took place in Portland last year. Many of them do not live in Astoria but in towns outside of Portland. They encouraged him to stay away from the area. The police force has been so weakened that if there is a shooting, they will respond, however, there is a 2 ½ hour wait in the event of a burglary. Citizens in the surrounding towns are now carrying firearms and are worried that the violence will spread into their towns. He felt that the same had been experienced in Cottonwood Heights where a City Council Member is actually heading up the effort. There are several involved with the Black Lives Matter (“BLM”) who are generally good people who want the best for everyone. There is also an element that intends to weaken the system of safety for all. This allows mobs to run rampant. In Seattle, BLM rioters have become emboldened. He considered the police to be the first line of defense. The National Guard is the second line of defense, but they will not respond if a car or home is broken into. One of Council Member Bruce’s strategies was to switch to the Unified Police Department (“UPD”) because it is cheaper. They are, however, further away and their response times are slower. He questioned whether Council Member Bruce has purchased for herself the least expensive home and car. His opinion was that you get what you paid for, and he was inclined to be very generous in the budget with the Police Department. While citizens have different opinions, they can be civil and obey the law. Until that happens, he suggested that they support the Police Department.

Mike _____ thanked the Council Members for their time and service. He expressed concern about plans that could increase traffic along Siesta Drive. In the last 30 years, he has lived on Siesta Drive, he had seen more crime than he anticipated. It is not unusual to see mailboxes open and the contents removed and scattered elsewhere. He thanked the Police Department for all they do and is grateful whenever he sees them in his neighborhood. He was grateful for the change made to the plan and was not excited about the prospect of seeing people peering into his backyard.

Pamela Brown, a Siesta Drive resident, was extremely concerned about the potential for crime in the area. She could not count the number of times the police have been called to Siesta Drive due to problems. To put a trail down the road will only open it up to more crime. There is currently a sidewalk there, but she did not want it widened or advertised as a trail because it brings in more people and issues. Mayor Peterson stated that the City needs to determine how is best to provide access to the park. He suggested that the Council meet with Siesta Drive residents to get their input.

Randy Long, a Kings Hill Drive resident, stated that he is an avid hiker and camper and thought it was inaccurate to claim that hikers are bad people. Mr. Long stated that Draper City has many trails and are developing more. He suggested that trails along major thoroughfares be addressed, and he stressed the need for more trails. The Mayor agreed that more trails are needed but stated that they need to be in the right location.

Ron Roberts, a resident of the Royal Lane Subdivision, reiterated Margo Richards' previous comments on safety concerns with Creek Road from Danish Road to the creek. The area is very steep, yet he seldom sees a police presence there. Police officers park by Highland Drive, which is probably the safest part of Creek Road. He stressed how dangerous it is coming down off the slope where motorists tend to drive fast. He reiterated the need to improve the safety on that stretch of road.

An unidentified speaker thanked the Mayor and Mike Johnson for listening to the concerns of the residents. He also thanked Chief Russo. The speaker was part of what took place last year and BLM trying to enforce mob rule. He suggested that the City look at increasing officer salaries since they do such a great job. Salt Lake City did not give Cottonwood Heights police officers the help they needed when they knew that the mob was in the area. He thought the City's police officers did a very good job of reacting to the situation. The speaker was involved with *utahpatriots.com* and Utah Citizens Alarm ("UCA") who assists police officers and ensures and helps minimize damage. He stressed the importance of retaining the good police officers that they have in Cottonwood Heights.

There were no further public comments. The public hearing was closed. The plan was to be modified after going before the PTOS Committee and the Planning Commission. The Mayor expressed concern with Siesta Drive and stated that the matter would be addressed in more detail.

5.0 ACTION ITEMS

5.1 Consideration of Ordinance 368 Enacting and Codifying Code Chapter 19.75 ("Accessory Dwelling Units").

Mr. Johnson reported that during the last Legislative Session, the State enacted a law that allows Internal Accessory Dwelling Units ("IADU") such as basement apartments or other rental units within the footprint of a primary home as permitted uses in single-family zones throughout the State of Utah. That legislation becomes effective on October 1. That legislation also limited the ability of cities to strictly regulate ADUs locally. An ordinance was drafted that staff feels regulates IADUs to the maximum extent possible locally. One additional non-tandem parking stall will be required. Detached dwelling units can be regulated by the City and go through a strict process. Ways the ordinance can help with enforcement were identified.

Mayor Peterson remarked that he had an issue with the ordinance before the City was mandated by the State regarding parking. Most ordinances across the Valley allow for tandem parking in the driveway. When a landlord lives in the same home, however, he often requires the tenant to park on the street. The proposed ordinance will be unique and require a third parking stall that is

not tandem. He considered that to be a valuable aspect of the ordinance the City has developed. He appreciated that addition and direction from a previous ordinance.

MOTION: Council Member Bracken moved to adopt Ordinance 368. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

5.2 Consideration of Resolution 2021-46 Approving Appointments to Arts Council.

Mr. Tingey recommended the appointment of Penny Broussard to serve on the Arts Council. He and Records Culture and Human Resources Director, Paula Melgar, met with Ms. Broussard in person and discussed her background. They were pleased that she was interested in serving on the Council and were confident that she will do a great job.

Council Member Petersen also met Ms. Broussard who was in attendance at the last meeting. He found her to be very qualified with a lot of experience and stated that she will be a great asset to the group.

MOTION: Council Member Petersen moved to adopt Resolution 2021-46. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

5.3 Consideration of Resolution 2021-47 Approving Entry into a Funding Agreement with Central Utah Water Conservancy District.

The above resolution was described as a grant from Central Utah Water Conservancy District that will be applied toward water-wise landscaping at the New Ferguson Park Project. Up to \$45,000 is available as long as the maximum square footage possible of the water-wise seed mix is used for the ground cover. Mayor Peterson thanked staff for their efforts to find alternative funding sources.

MOTION: Council Member Petersen moved to adopt Resolution 2021-47. The motion was seconded by Council Member Bracken. Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

6.0 CONSENT CALENDAR

6.1 Approval of the City Council Work Session and Business Meeting Minutes for September 7, 2021.

MOTION: Council Member Bracken moved to approve the consent agenda with changes from the last representation to the minutes. The motion was seconded by Council Member Petersen.

Vote on motion: Council Member Petersen-Aye, Council Member Bracken-Aye, Council Member Mikell-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

The City Council meeting adjourned at 8:35 p.m. after which the Council reconvened back into a Work Meeting.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work and Business Meetings held Tuesday, September 21, 2021.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: October 5, 2021